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| 10/675,125 | 09/30/2003 | Dimitris Achlioptas | MS302222.1/MSFTP477US | 4957 |
| 27195 7590 09/14/2007 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114 | | | EXAMINER MIRZADEGAN, SAEED S | |
| | | | ART UNIT 2144 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/675,125

Applicant(s)

ACHLIOPTAS, DIMITRIS

Examiner

Saeed S. Mirzadegan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claim 4** is objected to because of the following informalities: Claim 4 recites "The system of claim 1, the input component comprising a plurality of semantic-centric input components that reflect context of the current computer-based interaction". It should read "The system of claim 1, wherein the input component comprises a plurality of semantic-centric input components that reflect context of the current computer-based interaction".

Appropriate correction is required.

2. **Claim 14** is objected to because of the following informalities: Claim 4 recites "The system of claim 1, the user profile comprising information relating to opinions, expertise, and experiences of the user, the profile being created by the user in a passive manner". It should read "The system of claim 1, wherein the user profile comprises information relating to opinions, expertise, and experiences of the user, the profile being created by the user in a passive manner".

Appropriate correction is required.

3. **Claims 5, 9-11, 15, 18, 19, 22-24, 26, 27** are objected to based on the same rationale as claims 4 & 14 above.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 1, 4-12, 16-22, 24, 27, 31-35** are rejected under 35 U.S.C. 101.
5. **Claims 1, 4-12, 16-22, 24, 27, 32-34** are rejected, because they recite the limitation "component". The claimed invention is directed to non-statutory subject matter and is not directed to a practical application of such judicial exception because the invention as claimed does not produce a tangible result as set forth in MPEP 2106.
6. Referencing the specifications; Page 5, lines 25-30 and Page 6, lines 1-2, states "As used in this application, the terms "component" and system are intended to refer to a computer-related entity, either hardware, a combination of hardware and software, **software** or software in execution. For example, a component may be, but is not limited to being, a process running on a processor, a processor, an object, an executable, a thread of execution, a program, and/or a computer. By way of illustration, both an application running on a server and the server can be a component. One or more components may reside within a process and/or thread of execution and a component may be localized on one computer and/or distributed between two or more computers."

7. **Claims 1, 33, 35** are rejected, because the means are mere software. The claimed invention is directed to non-statutory subject matter and is not directed to a practical application of such judicial exception because the invention as claimed does not produce a tangible result as set forth in MPEP 2106.

8. In order for software claims to be statutory, they must be claimed in combination with an appropriate medium and/or hardware to establish statutory category of invention and enable any functionality to be realized as set forth in MPEP 2106.01.

Software, *per se*:

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be

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realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "the sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

9. **Claim 31** is rejected, because as it is written it is claiming "a data packet". The claimed invention is directed to non-statutory subject matter and is not directed to a practical application of such judicial exception because the invention as claimed does not produce a tangible result as set forth in MPEP 2106.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-20, 24-35** are rejected under 35 U.S.C. 102(b) as being anticipated by *Graham et al.* (US Pat. No. 6582475) hereafter "Graham".

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11. Regarding **Claim 1**, Graham discloses a system comprising: at least one input component that receives user annotations regarding user perceptions about a current computer-based interaction; **(Col. 6, lines 20-24 & Fig 5) user 504, inputs information (annotation) used by the annotation agent 508 regarding the user interest in internet based document 502 and a profile component that populates a profile of the user with the user annotations (Col. 6, lines 25-28 & Fig. 5) profile editor 518 is employed to maintain the interests and user specific information in the user profile file 516.**

12. Regarding **Claim 2**, Graham further discloses the system of claim 1 is part of a web browser **(Col. 9, lines 32-35) in a preferred embodiment, the software forms a part of a stand-alone browser.**

13. Regarding **Claim 3**, Graham further discloses the system of claim 1 is part of a search engine **(Col. 8, lines 47-54) check box 838 permits the user to select to enable a serch engine.**

14. Regarding **Claim 4**, Graham further discloses the system of claim 1, the input component comprising a plurality of semantic-centric input components that reflect context of the current computer-based interaction **(Fig 3, 302 & Col. 4, lines 46-52 & Fig. 8) a series of concepts of interest (semantic-centric) are selceted (inputed) by the user via the concept add button 808.**

15. Regarding **Claim 5**, Graham further discloses the system of claim 4, the semantic-centric input components respectively are UI buttons (**Col. 4, lines 46-52 & Fig. 8, 808) concept add button.**

16. Regarding **Claim 6**, Graham further discloses the system of claim 4, further comprising an extraction component that analyzes a web page and that extracts semantic components of at least portions of the web page (**Fig. 5, 512) content recognition extracts the semantic components of a document from internet.**

17. Regarding **Claim 7**, Graham further discloses the system of claim 1, further comprising a profile review component (**Fig. 5, 518) profile editor** that allows the user to review and/or edit the profile (**Col. 6, lines 27-28) user 504, employs the profile editor 518 to modify the content of the user profile 516.**

18. Regarding **Claim 8**, Graham further discloses The system of claim 1, further comprising an inference component that makes declarations on behalf of the user (**Fig. 7, 700 & Col. 7, lines 5-19) belief system 700 makes the declarations.**

19. Regarding **Claim 9**, Graham further discloses the system of claim 8, the inference component comprising at least one of: a support vector machine (SVM), a naive Bayes model, a Bayesian network, a decision tree, a Hidden Markov Model

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(HMM), neural network, data fusion engine (**Col. 7, line 5**) **Bayesian belief network 700.**

20. Regarding **Claim 10**, Graham further discloses the system of claim 8, the inference component comprising a classifier (**Fig. 7, 700 & Col. 7, lines 5-19**) **system 700 Bayesian belief analyzer (classifier) makes the declarations.**

21. Regarding **Claim 11**, Graham further discloses the system of claim 8, the inference component inferring when to make a declaration on behalf of the user (**Col. 7, lines 43-46**) **the structure and content of system 700 Bayesian belief analyzer (classifier) are updated without the user input by the stage 624.**

22. Regarding **Claim 12**, Graham further discloses the system of claim 1, further comprising a privacy-preserving searching component that allows the user to search for others who have a similar profile as the user (**Col. 7, lines 32-34**) **a users profiles can be serached for amongst other users profiles and found and then edited and or used.**

23. Regarding **Claim 13**, Graham further discloses the system of claim 1, wherein dissemination of at least a portion of the user profile is selective and controlled by the discretion of the user (**Col. 8, lines 1-7 & Fig. 8, 802**) **the user can select to whom to**

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assign rights of access to its profile by selecting them be it another user or a group of users.

24. Regarding **Claim 14**, Graham further discloses the system of claim 1, the user profile comprising information relating to opinions, expertise, and experiences of the user, the profile being created by the user in a passive manner (**Col. 6, lines 25-29**) **the concepts of interest and other other user specific information are maintained in a user profile by the user .**

25. Regarding **Claim 15**, Graham further discloses the system of claim 1, the computer-based interaction is viewing any one of a web page, a web site, and search results (**Col. 6, 31-36**) **the inteaction is with the internet which includes a web page or a web site.**

26. **Claim 16**, lists all the same elements of claim 1, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 16.

27. **Claim 17**, lists all the same elements of claim 1, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 17.

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28. **Claim 18**, lists all the same elements of claim 5, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claim 5 applies equally as well to claim 18.

29. **Claim 19**, lists all the same elements of claim 4, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claim 4 applies equally as well to claim 19.

30. **Claim 20**, lists all the same elements of claim 6, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claim 6 applies equally as well to claim 20.

31. **Claim 24**, lists all the same elements of claim 6, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claim 6 applies equally as well to claim 24.

32. **Claim 25**, lists all the same elements of claim 7, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claim 7 applies equally as well to claim 25.

33. **Claim 26**, lists all the same elements of claim 7, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claim 7 applies equally as well to claim 26.

34. **Claim 27**, lists all the same elements of claim 8, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claim 8 applies equally as well to claim 27.

35. Regarding **Claim 28**, Graham discloses a method comprising: browsing information stored on an electronic medium (**Col. 6, 31-36**) **browsing the internet where the information is stored on an electronic medim**; selectively making at least one declaration about at least a portion of the information being browsed (**Fig 3, 302 & Col. 4, lines 46-52 & Fig. 8**) **a series of concepts of interest (semantic-centric) are selceted (inputed) by the user via the concept add button 808**; annotating a user's personal profile with the at least one declaration (**Col. 6, lines 20-24 & Fig 5**) **user 504, inputs information (annotation) used by the annotation agent 508 regarding the user interest in internet based document 502 (Col. 6, lines 25-28 & Fig. 5)** **profile editor 518 is employed to maintain the interests and user specifc information in the user profile file 516**; and selectively sharing the user's personal profile with the others (**Col. 8, lines 1-7 & Fig. 8, 802**) **the user can select to whom to assign rights of access to its profile by selecting them be it another user or a group of users.**

36. Regarding **Claim 29**, Graham further discloses the method of claim 28, wherein the user is browsing a web page and concurrently makes declarations regarding the user's perceptions with respect to the web page **(Fig. 8 & Fig. 9) depicts the browsing and declaration.**

37. Regarding **Claim 30**, Graham further discloses the method of claim 28 performed at least in part by a web browser **(Fig. 8 & Fig. 9) depicts the web browser performing the task.**

38. **Claim 31**, lists all the same elements of claim 28, Graham further discloses communications over a network **(Fig. 6A, 6B & 6C). The only means of transmitting information over to other nodes on a network is via packetization.** Therefore a data packet to be transmitted between two or more computers is disclosed by Graham.

39. **Claim 32**, lists all the same elements of claim 1, but in computer-readable medium form rather than system form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 32.

40. Regarding **Claim 33**, Graham discloses a system comprising: a means for providing one or more input components that receive at least one user annotation regarding a user's perceptions about a current computer-based interaction **(Col. 6, lines**

20-24 & Fig 5) user 504, inputs information (annotation) used by the annotation agent 508 regarding the user interest in internet based document 502; and a means for annotating a user profile with the user's perceptions (Col.6, lines 25-28 & Fig. 5) profile editor 518 is employed to maintain the interests and user specific information in the user profile file 516 .

41. Regarding **Claim 34**, Graham further discloses the system of claim 33, further comprising: means for analyzing a web page (**Fig 5, 508**); means for extracting one or more semantic components of at least a portion of the web page (**Fig 5, 508**); and means for morphing the one or more input components based at least in part upon the semantic components in an automatic fashion (**Fig. 8**).

42. **Claim 35**, lists all the same elements of claim 28, but in means for form rather than system form. Therefore, the supporting rationale of the rejection to claim 28 applies equally as well to claim 35.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

43. **Claims 21- 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham, in view of Wolpe (US PG Pub. No. 2002/0174144) hereafter "Wolpe".

44. Regarding **Claim 21**, Graham substantially discloses the method of Claim 20. However Graham does not explicitly teach morphing the one or more input components.

45. In the same field of endeavor, Wolpe teaches (**Page 3, ¶ 0034, lines 18-25**) changing or morphing of a word or phrase, which may be a personalized (semantic) version of a word or phrase presented to the user in a popup window.

46. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Wolpe's teaching of changing or morphing of the input component with the teachings of Graham, for the purpose of (**see Wolpe, Page 1, ¶0008, lines 12-17**) enabling users to seamlessly manage, navigate, and share the information both locally and remotely via a LAN, WAN or the Internet.

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Graham provides motivation to do so, by personalizing the operations of an assistant for a particular user by setting sensitivity levels and selection of relevant information and topics of interest (**see Graham, Page 2, lines 6-12**).

47. Regarding **Claim 22**, Graham substantially discloses the method of Claim 21. However Graham does not explicitly teach the morphing of the one or more input components based at least in part upon user behavior with respect to movement of a pointer device.

48. In the same field of endeavor, Wolpe teaches (**Page 4, ¶ 0038, lines 1-9**) monitoring the user's behavior base on the users manipulation of the mouse or other user interface devices.

49. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Wolpe's teaching of monitoring the user's behavior base on the users manipulation of the mouse or other user interface devices with the teachings of Graham, for the purpose of (**see Wolpe, Page 1, ¶0008, lines 12-17**) enabling users to seamlessly manage, navigate, and share the information both locally and remotely via a LAN, WAN or the Internet. Graham provides motivation to do so, by personalizing the operations of an assistant for a particular user by setting sensitivity levels and selection of relevant information and topics of interest (**see Graham, Page 2, lines 6-12**).

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50. Regarding **Claim 23**, Graham substantially discloses the method of Claim 22.

Graham further discloses the pointer device comprising a mouse (**Fig. 1, 36 & Col. 4, lines 22-25**) **user 504 using a mouse 36.**

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

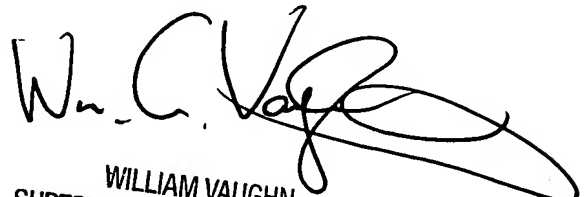
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed S. Mirzadegan whose telephone number is 571-270-3044. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SSM


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